Case 2:19-cv-01027-JLR Document 18 Filed 09/19/19 Page 1 of 6 HONORABLE JAMES L. ROBART 2 3 4 5 7 UNITED STATES DISTRICT COURT 8 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE 9 10 Case No. 2:19-cv-01027-JLR MARIO E. YOUNG, JR., 11 12 STIPULATED MOTION AND PROPOSED ORDER CONTINUING STAY OF CASE Plaintiff, 13 v. 14 SAFELITE FULFILLMENT, INC., et al., 15 Defendants. 16 17 18 19 20 21 22 23 24 25 26

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RECITALS

WHEREAS, on or about June 3, 2019, Plaintiff MARIO E. YOUNG, JR. ("Plaintiff") filed the operative putative Class Action Complaint for Unpaid and Wrongfully Withheld Wages (the "Complaint") in this action in the Superior Court of the State of Washington in and for the County of King at Seattle [Dkt. #1-2];

WHEREAS, on July 2, 2019, Defendant SAFELITE FULFILLMENT, INC. ("Defendant") removed Plaintiff's above-described state court action to this Court [Dkt. #1] invoking the subject matter jurisdiction of this Court under the Class Action Fairness Act ("CAFA"), which the parties agree is properly invoked in this action;

WHEREAS, on September 3, 2019, the Court Ordered a stay of this action pending the Washington Supreme Court's resolution of the certified question in Sampson v. Knight Transportation, Inc. (the "Stay Order") [Dkt. #16];

WHEREAS, on September 5, 2019, the Washington Supreme Court issued a decision in Sampson, et al v. Knight Transportation, Inc., Case No. 96264-2 (Wash. Sept. 5, 2019), available at http://www.courts.wa.gov/opinions/pdf/962642.pdf. The Washington Supreme Court in Sampson held that the Washington Minimum Wage Act (WMWA) does not require non-agricultural employers to pay their piece-rate employees per hour for time spent performing activities outside of piece-rate work. As such, the parties agree Plaintiff's non-productive time claims under the WMWA (Plaintiff's Second Cause of Action) are no longer actionable;

WHEREAS, the Parties have agreed to participate in voluntary mediation to explore whether a settlement of Plaintiff's remaining claims is possible. The Parties have agreed to use Louis D. Peterson, Esq. of Hillis Clark Martin & Peterson P.S. as a mediator, and are working to schedule the mediation in January 2020;

WHEREAS, to provide time for the Parties to exchange informal discovery and explore early resolution through mediation without unnecessarily expending the resources of the Parties and the Court, the Parties have agreed that the Court's stay should remain in effect until at least February 15, 2020.

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STIPULATION

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, on the one hand, and Defendant, on the other hand, by and through their respective undersigned counsel, and subject to the Court's approval, that:

- The stay Ordered by the Court on September 3, 2019 should remain in effect, in its entirety and for all purposes, until February 15, 2020 to provide time for the Parties to exchange informal discovery and to engage in mediation and attempted early resolution of the case without unnecessarily expending the resources of the Parties and the Court.
- On or before February 15, 2020, if the Parties have been unable to settle the case, the 2. parties shall provide the Court with agreed-upon and/or proposed deadlines for [i] completion of discovery on class certification and for Plaintiff to move for class certification under Fed. R. Civ. P. 23; and [ii] submission of an updated Joint Status Report and Discovery Plan.
- By entering into and submitting this Stipulated Motion, the parties fully reserve, and 3. do not waive or limit, their respective rights, claims, remedies, defenses, and positions in this action, including as to the issues recited above.

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1	DATED: September 19, 2019	Respectfully submitted,
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PROPOSED| ORDER

This matter came before the Court on the parties' Stipulated Motion Continuing Stay of Case (the "Stipulated Motion"). The Court, having reviewed the Stipulated Motion, and good cause appearing for the relief sought therein, hereby orders as follows:

- 1. The stay Ordered by the Court on September 3, 2019 shall remain in effect, in its entirety and for all purposes, until February 15, 2020, to provide time for the Parties to exchange informal discovery and to engage in mediation and attempted early resolution of the case without unnecessarily expending the resources of the Parties and the Court.
- 2. On February 15, 2020, if the Parties have been unable to settle the case, the Parties shall provide the Court with agreed-upon and/or proposed deadlines for [i] completion of discovery on class certification and for Plaintiff to move for class certification under Fed. R. Civ. P. 23; and [ii] submission of an updated Joint Status Report and Discovery Plan.
- 3. By entering into and submitting this Stipulated Motion, the parties fully reserve, and do not waive or limit, their respective rights, claims, remedies, defenses, and positions in this action, including as to the issues recited above.

IT IS SO ORDERED.

DATED this 25 day of Soplenkers, 20

THE HONORABLE JAMES L. ROBART UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE 1 I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the 2 3 CM/ECF system that will send notification of such filing to the following: 4 Sheryl J. Willert, WSBA #08617 Michael J. Shoenfelt (Pro Hac Vice) 5 Andrew C. Smith (Pro Hac Vice) Jeffrey M. Wells, WSBA #45840 Daniel J. Clark (Pro Hac Vice) WILLIAMS, KASTNER & GIBBS PLLC 6 VORYS, SATER, SEYMOUR AND PEASE LLP 601 Union Street, Suite 4100 Seattle, WA 98101-2380 52 E. Gav St. 7 Phone: (206) 628-6600 Columbus, OH 43215 Email: swillert@williamskastner.com Phone: (614) 464-5497 8 iwells@williamskastner.com Fax: (614) 719-4760 9 Email: mjshoenfelt@vorys.com acsmith@vorys.com 10 djclark@vorys.com 11 I further certify that I mailed a true and correct copy of the foregoing to the following non-12 CM/ECF participant: N/A. 13 14 Executed on September 19, 2019, at Los Angeles, California. 15 16 17 <u>/s/ Jaclyn Blackwell</u> Jaclyn Blackwell 18 Office Manager 19 ACKERMANN & TILAJEF, P.C. 20 21 22 23 24 25 26 27 28

STIPULATED MOTION AND [PROPOSED] ORDER CONTINUING STAY OF CASE CASE NO. 2:19-cv-01027-JLR ACKERMANN & TILAJEF, P.C. 2602 North Proctor St., #205 Tacoma, Washington 98406 T. (253) 625-7720 | F. (253) 276-0081